

A Written Statement Regarding the Substance of Examiner's Interview:

WRITTEN STATEMENT PER 37 C.F.R. § 1.133(b)
REGARDING SUBSTANCE OF OCTOBER 20, 2010,
APPLICANT INITIATED TELEPHONE INTERVIEW WITH THE EXAMINER

Applicant appreciates the opportunity to discuss the rejections in this application with Examiner Dustin Nguyen in the telephone interview on October 20, 2010. In accordance with the requirements of 37 C.F.R. § 1.113(b), and the Manual of Patent Examining Procedure (MPEP) § 713.04, Applicant provides the following written statement of the reasons presented in the Examiner's interview as warranting favorable action.

Those participating in the interview were Examiner Nguyen, the undersigned attorney of record John Naber, attorney Shirin Tefagh and inventor Ronald DeHaas. No exhibits were shown or discussed. Independent claim 1 was discussed during the interview. The prior art discussed was U.S. Patent No. 5,951,642 to Onoe et al. and U.S. Publication No. 2004/139192 to Spaid et al.

Arguments and proposed claim amendments were discussed during the interview. Specifically, Applicant submitted that the cited references fail to describe or suggest a score as recited in claim 1. Applicants submitted that Spaid discloses logging visitor data and session data for a website viewing session, and evaluates each of the logged visitor data and session data to compute a score for the overall session experience for determining an effectiveness of a website specifically as a marketing tool (See, para. 0020). Applicants then pointed out that the present application on the other hand discloses rating the actual content of an activity and not the overall session experience. That is, the overall content of an actual activity is examined to determine the nature of that activity, for the purpose of determining whether the activity is objectionable, rather than analyzing the session experience for marketing purposes.

Although no conclusive agreement was reached as to the claims, the Examiner appeared to agree that neither of the references describe that the score is an indication of whether the Internet activity is an “objectionable activity” and stated that the claim would be allowable, barring any new references or further finding in these references, if it included this limitation.

The Examiner further pointed out that based on his review of Spaid, Spaid did not appear to describe analyzing the content of each page of the Internet activity when assigning the score and indicated that such language may also overcome the references.

The interview then ended with the understanding that the Applicant would file a response to formally present the proposed arguments and amendments discussed during the interview with consideration of subject matter indicated as being possibly allowable in view of the cited references.